

## **REMARKS**

Claims 1-34 are pending in the present reissue application. As previously indicated by the Examiner, the present application is in condition for allowance except for formal matters, and prosecution on the merits is closed. If, after considering this amendment, the Examiner does not agree that the present application is in condition for allowance, the Applicant's attorney respectfully requests a phone interview for further prosecution of this case.

## **37 C.F.R. § 1.173**

The Applicant's attorney thanks the Examiner for conducting a telephone interview on September 11, 2009. During this telephone interview, the Examiner clarified that all pending claims are in condition for allowance except for formal matters, and that prosecution on the merits is closed. The only formal matter remaining is that amended claims 1, 7 and 12 and new claims 19-34 were not submitted in proper form. With this amendment, changes to amended claims 1, 7 and 12 include brackets and underlining, and new claims 19-34 are completely underlined. Therefore, amended claims 1, 7 and 12 and new claims 19-34 are now in proper form.

## **37 C.F.R. § 1.175**

The Applicant's attorney thanks the Examiner for conducting the telephone interview on September 11, 2009. During this telephone interview, the Examiner clarified that because amended claims 1, 7 and 12 and new claims 19-34 were not

submitted in proper form, a new Supplemental Declaration from each of the inventors is required. Therefore, a new Supplemental Declaration from each of the inventors has been executed and accompanies this paper.

## CONCLUSION

In light of the foregoing, claims 1-34 are in condition for allowance, which is respectfully requested.

In the event any fees are due as a result of this Amendment, you are hereby authorized to charge such payment to Deposit Account No. 07-1897.

If, after considering this response, the Examiner does not agree that all of the claims are allowable, then he is requested to schedule a phone interview with the Applicant's attorney at (425) 455-5575.

DATED this 7<sup>th</sup> day of December, 2009.

Respectfully submitted,

GRAYBEAL JACKSON LLP

/Kevin D. Jablonski/  
Kevin D. Jablonski  
Registration No. 50,401  
Graybeal Jackson LLP  
155 - 108th Avenue N.E., Suite 350  
Bellevue, WA 98004-5973  
Phone: (425) 455-5575  
Fax: (425) 455-1046  
E-mail: kevin@graybeal.com